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PHA 4166.5 (2805/5)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Alan E. Moorman et al.

Art Unit 1621

Serial No. 09/885,221

Filed June 20, 2001

Confirmation No. 3271

For METHOD OF USING (H+/K+) ATPase INHIBITORS AS ANTIVIRAL AGENTS

Examiner Kumar

November 8, 2004

**REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT
PURSUANT TO 37 CFR 1.705**

TO THE ASSISTANT COMMISSIONER OF PATENTS,

SIR:

Applicants respectfully request reconsideration of the patent term adjustment determination of 20 days in the Notice of Allowance dated August 9, 2004. Pursuant to 37 CFR § 1.705(b), applicant submits the following statement of effects in support of their request for reconsideration.

(136 A
only)

Applicants submit that the present application is subject to a terminal disclaimer, and is therefore not entitled to the benefits of the patent term adjustment according to 35 U.S.C. § 154. Hence, there should be no patent term adjustment in this application.

In light of the foregoing facts, Applicants respectfully request a correction in the patent term adjustment determination. The Commissioner is hereby authorized to charge the \$200 fee and any additional fees which may be required to Deposit Account No. 19-1345. However, in view of the fact that the Office made a mistake in calculating the correct patent term adjustment, Applicants respectfully request that the fee in connection with this request be waived.

Respectfully submitted,



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